

Message Text

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ACTION IO-14

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C O N F I D E N T I A L NEW DELHI 6595

E.O. 111652: GDS
TAGS: PINS, EAIR, IN
SUBJECT: AVIATION SECURITY: ANTI-HIJACKING CONTACT GROUP

REF: STATE 90969

1. CONSULTATION WITH OTHER MEMBERS OF CONTACT GROUP IN
NEW DELHI HAS PRODUCED A VARIETY OF RESPONSES, BUT
EMBASSY BELIEVES GENERAL CONCERN AND SENSE OF URGENCY
WILL BE CONVEYED TO THE MINISTRY OF EXTERNAL AFFAIRS.

2. OUR CONSULTATIONS WITH FIVE OTHER MEMBERS OF THE
CONTACT GROUP (JAPAN, UK, CANADA, AUSTRALIA, NETHERLANDS)
TOOK PLACE AGAINST THE FOLLOWING FACTUAL BACKGROUND.
(A) WITH REGARD TO THE HAGUE CONVENTION, DRAFT IMPLEMENTING
LEGISLATION REQUIRED FOR RATIFICATION HAS BEEN PREPARED
BUT WAS NOT SUBMITTED TO CURRENT SESSION OF PARLIAMENT AS
ORIGINALLY INTENDED (NEW DELHI 1152) BECUASE INTERNAL
CLEARANCE PROCESS HAS NOT BEEN COMPLETED. WE GATHER THAT
DRAFT BILL HAS BEEN HELD UP IN MINISTRY OF JUSTICE.
ACCORDING TO MINSTRY OF CIVIL AVIATION OFFICIAL,
BILL SHOULD BE SUBMITTED TO PARLIAMENTARY SESION
BEGINNING IN JULY. PASSAGE BY PARLIAMENT IS CON-
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SIDERED A CERTAINTY.

(B) WITH REGARD TO MONTREAL CONVENTION, CONSIDERATION
OF STEPS TO MOVE TOWARDS RATIFICATION HAS ALREADY
BEGUN, BUT DRAFTING OF IMPLEMENTING LEGISLATION WILL
PROBABLY AWAIT CONCLUSION OF WORK ON HAGE CONVENTION
LEGISLATION. ACCORDING TO DGCA OFFICIAL, PROCESS

SHOULD MOVE RELATIVELY FAST IN THE WAKE OF RATIFICATIONS OF TOKYO CONVENTION (1976) AND HAGE CONVENTION.

(C) EMBASSY HAD RAISED THIS SUBJECT BOTH IN MINISTRY OF CIVIL AVIATION AND DEPARTMENT OF CIVIL AVIATION LAST WINTER IN THE WAKE OF THE UNGA ACTION, URGING EXPEDITIOUS ACTION. WE LEARN NOW FROM THE JAPANESE EMBASSY THAT THEY HAD FULL REVIEW OF AIR SECURITY SITUATION FOLLOWING THE RED ARMY HIJACKING OF A FLIGHT OUT OF BOMBAY LAST FALL. IN THE COURSE OF THAT REVIEW THE GOI HAD STATED IN WRITING THAT IT WAS TAKING NECESSARY INTERNAL STEPS TOWARDS RATIFICATION OF BOTH CONVENTIONS.

3. TWO OF THE MEMBERS OF NEW DELHI CONTACT GROUP HAVE DECIDED TO TAKE NO ACTION. THE BRITISH HAVE CONCLUDED THAT RATIFICATION OF THE CONVENTIONS IS NOT A POLICY ISSUE BUT MERELY A QUESTION OF ADMINISTRATIVE PROCEDURES; THEY FEEL, APPARENTLY WITH LONDON'S BACKING, THAT A DEMARCHE IS NOT CALLED FOR IN THESE CIRCUMSTANCES

CANADIAN POSITION IS THAT (1) ABSENCE OF ANY CIVIL AVIATION TIES BETWEEN INDIA AND CANADA AND (2) MORE ACTIVE STANCE OF OTHER EMBASSIES (BELOW) MAKES INTERVENTION ON THEIR PART UNWARRANTED.

4. OTHER CONTACT GROUP MEMBERS (INCLUDING OURSELVES) TAKE MORE ACTIVIST POSITION. THE NETHERLANDS AMBASSADOR
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WENT TO THE MINISTRY OF EXTERNAL AFFAIRS UPON RECEIPT OF HIS INSTRUCTIONS (AND BEFORE CONSULTING WITH OTHERS) AND, IN ABSENCE OF FOREIGN SECRETARY, MADE DEMARCHE TO JOINT SECRETARY FOR WESTERN EUROPEAN AFFAIRS. LATTER WAS UNFAMILIAR WITH THE ISSUE AND PROMISED A REPLY WHICH DUTCH HAVE NOT YET RECEIVED. THE JAPANESE INTEND TO DELIVER THIRD-PERSON NOTE EXPRESING THE HOPE THAT RATIFICATION PROCESS WILL BE COMPLETED AS SOON AS POSSIBLE. THE AUSTRALIANS INTEND TO MAKE INFORMAL, ORAL PRESENTATION AT SECRETARY OR ADDITIONAL SECRETARY LEVEL WHEN OPPORTUNITY ARISES.

5. ALL MEMBERS OF THE GROUP AGREED THAT THE SEMBLANCE OF A JOINT DEMARCHE SHOULD BE AVOIDED AS BEING A FORM OF PRESSURE FAR BEYOND THE NEEDS OF THE SITUATION. THE JAPANESE FELT ESPECIALLY STRONGLY ON THIS. THE AUSTRALIANS, HOWEVER, ARE UNDER INSTRUCTIONS FROM CANBERRA TO INFORM THE GOI THAT THEIR APPROACH RESULTS FROM FROM THE WORK OF A NEW YORK CONTACT GROUP--WHICH COULD WELL CAUSE THE MINISTRY TO TAKE OFFENSE AT BEING GANGED UP ON BY MAJOR COUNTRIES FOR NO REASON. WE HAVE URGED AUSTRALIANS TO SOFTEN THE IMPACT BY MERELY SAYING

THAT THE SUBJECT OF ACTION ON UNGA RESOLUTION HAS CONTINUED UNDER ACTIVE DISCUSSION AMONG NEW YORK MISSIONS.

6. OUR GOAL AT THIS STAGE IS TO HAVE GOVERNMENT CONCLUDE WORK ON DRAFT LEGISLATION FOR MONTREAL CONVENTION IN TIME FOR JULY SESSION OF PARLIAMENT. ACTION AGENCY FOR THIS IS MINISTRY OF CIVIL AVIATION WITH WHOM WE HAVE WORKING CONTACT IN THE NORMAL COURSE OF EVENTS. WE WILL CONTINUE TO URGE CIVIL AVIATION OFFICIALS TO BRING THE PROCEDURE TO A SPEEDY CONCLUSION. AT THE SAME TIME, IT IS POSSIBLE THAT WE CAN INDUCE PRESSURE ON CIVIL AVIATION OFFICIALS FROM MINISTRY OF EXTERNAL AFFAIRS. WE WILL MAKE ORAL DEMARCHE TO ADDITIONAL SECRETARY JAIN, WHO HAS RESPONSIBILITY FOR INTERNATIONAL CONFIDENTIAL

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ORGANIZATION AFFAIRS, AT EARLIEST CONVENIENT OPPORTUNITY. WE HOPE THAT VARIED STYLE AND TIMING OF APPROACH OF FOUR OF THE CONTACT GROUP MEMBERS WILL SUCCEED IN COMMUNICATING OUR ACTIVE CONCERN WITHOUT AN UNNECESSARY BULLDOZER EFFECT.
GOHEEN

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